



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/621,631	03/26/96	BROWN	P 621,631

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PM52/0217

EXAMINER	
MILLER, E	
ART UNIT	PAPER NUMBER
3641	11

DATE MAILED: 02/17/98

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

1. ☒ The communication filed 11-26-97 is informal/non-responsive for the reason(s) checked below and should be corrected.
~~APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER OR UNTIL THE EXPIRATION OF THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION (WHICHEVER IS LONGER) WITHIN WHICH TO CORRECT THE INFORMALITY.~~

- a. ☐ The amendment to claim(s) _____, filed _____, fails to comply with the provisions of 37 C.F.R. 1.121 and is accordingly held to be non-responsive. A supplemental paper correcting the informal portions and complying with the rule is required.
- b. ☐ The paper is unsigned. A duplicate paper or ratification, properly signed, is required.
- c. ☐ The paper is signed by _____, who is not of record. A ratification or a new power of attorney with a ratification, or a duplicate paper signed by a person of record, is required.
- d. ☐ The communication is presented on paper which will not provide a permanent copy. A permanent copy, or a request that a permanent copy be made by the Office at applicant's expense, is required, see M.P.E.P. 714.07.
- e. ☒ Other See next page.

2. ☐ In accordance with applicant's request, THE PERIOD FOR RESPONSE FROM THE OFFICE ACTION DATED _____ IS EXTENDED TO RUN _____ MONTH(S).
No further extension will be granted unless approved by the Commissioner. 37 C.F.R. 1.136 (b)
3. ☐ Receipt is acknowledged of papers submitted under 35 U.S.C. 119 which papers have been made of record in the file.
4. ☐ Other

1. The substitute specification filed 11/26/97 has not been entered because it was not required by the PTO and it does not conform to new 37 CFR 1.125(b): it was submitted prior to the effective date of the new rule, and without a marked up copy. It appears that the specification as originally filed included page 23 as the last page of the specification and another page 23 as the first page of the claims. If this is the only problem, it will be corrected by the examiner.


2. Applicant's election of Scandium as a single ultimate species of method in Paper No. 10 is not fully responsive to the prior Office action because scandium is not a method. A method might be leaching a specific named ore (ore residue) with sulfuric acid under conditions effective to remove fluorine, solubilizing scandium with water, and extracting scandium from the resultant aqueous solution with (a specific type of organophosphate) extractant, e.g., if this be desired. In the listing of claims readable on the elected species, claim 2 has nothing to do with scandium, e.g. Since it is neither an elected species nor generic thereto, it would not be readable on the elected species. A species is not a sub-genus of some kind. Thus, should applicant desire to elect the subject matter of claim 10 as a single ultimate species of method, then claim 11 which recites additional limitations would not be elected. Note that claims are not species, however.

In accordance with the new rules, a **SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE ONE MONTH FROM THE DATE HEREOF.**

3. Any inquiry concerning this or earlier communications from the examiner should be directed to Edward A. Miller whose telephone number is (703) 306-4163. The examiner can normally be reached daily, except alternate Fridays, from 8:30 AM to 6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan, can be reached at (703) 306-4159.

Inquiries of a general nature or relating to status should be directed to the Group receptionist at (703) 306-4163. The fax phone number for this Group is (703) 306-4195.


EDWARD A. MILLER
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ART UNIT 2-3671